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-- An electronically accessible server receives, stores, and sends value information between customers and product, service, software, and information providers. The server includes a repository for storage of the value information. Triggers or interactions can be used to determine when value information would be useful for a client. The value information can include customer assessments, usage frequency, navigational pointers, executable program code, instructions, product information, and service information. Digital medium is used to store value information generated by independent users. The medium can be coupled to an electronic communication network to allow for interchange of information. --

In the Title:

Please substitute the title with the following:

-- Value Information Exchange --

REMARKS

Submitted herewith is a request for continued examination (RCE), making the action (Paper No. 8) mailed Sep. 12, 2000 nonfinal.

Also enclosed is a supplemental Information Disclosure Statement, citing references cited in the parent case, 08/934,457, issued as U.S. 5,999,908, and related pending cases 09/370,663, 09/369,392, and 09/380,090. Acknowledgement is requested

Applicant's remarks below are preceded by quotations of relevant remarks of the examiner in bold-face, small type.

**4. Claims 48-72 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-48 of U. S. Patent No. 5,999,908. Although the conflicting claims are not identical, they are not patentably distinct from each other because a system for storing a repository of value information, determine based upon triggers indicated by a customer set preferences when value information would be useful, in response to the determining, distribute the value information to the user would be included as necessary to perform the invention.**

A terminal disclaimer is submitted herewith.

**5. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP §608.01(b).**

The abstract has been amended.

**6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.**

The title has been amended.

**7. Claims 48-66 are rejected under 35 U. S. C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claim 48, line 2 ends with a comma not a semi-colon, line 6 ends without any punctuation and line 18 ends with a comma, and it is unclear if there are additional limitations to the claims, and therefore, renders the claim indefinite. Also, line 8, the phrase "as perhaps" renders the claim indefinite.**

**Claims 63, 64, and 65 have no punctuation, it is unclear if there are additional limitations to the claims, and therefore, render the claims indefinite.**

Claims 48, 63, 64, and 65 have been amended.

**8. Claims 67-71 are rejected under 35 U. S. C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Specifically, the term "large numbers of independent users" in claim 67, line 2 is a relative term which renders the claim indefinite. The term "large numbers" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.**

Claim 67, line 2, has been amended.

**9. Claims 67,69 are rejected under 35 U. S. C. 102(b) as being anticipated by Kurland et al (4,603,232).**

As the Examiner states in paragraph 10 of the most recent office action (see also small bold text below), "Kurland *et al.* ('232) does not disclose interchange of new value information from the users to the digital medium and of stored value information from the medium to the users." Applicant submits that Claims 67 and 69 are therefore not anticipated by Kurland *et al.* ('232).

**10. Claims 67-69 are rejected under 35 U. S. C. 103(a) as being unpatentable over Kurland et al (4,603,232) as applied to claim 67 above, and further in view of Frost (5,041,972).**

**As per Claim 67. Kurland et al ('232) discloses a digital medium storing information generated by large numbers of independent users about the value of products, services, software or information, the medium being coupled to an electronic communication network, see Column 4, line 61 -Column 5, line 19. Kurland et al ('232) does not disclose interchange of new value information from the users to the digital medium and of stored value information from the medium to the users. Frost (5,041,972) teaches users generating**

new value information interactively while using the stored value information, see Column 4, lines 34 -50, for the benefit of selecting a set of attributes for market research which achieves the highest level of discrimination for each consumer interviewed. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Kurland ('232) to allow the users to generate new value information interactively while using the stored value information as taught by Frost ('972), for the benefit of selecting a set of attributes for market research which achieves the highest level of discrimination for each consumer interviewed.

Kurland does not disclose or suggest that stored value information be provided from a digital medium "to" the users. Although Frost describes obtaining attributes about a product from customers partaking in a survey and sending a refined list of attributes back to the customers for further evaluation, Frost does not describe providing the customers with information of value to the customers.

As per Claim 68. Kurland ('232) discloses all the limitations of Claim 67. Kurland ('232) does not disclose the users generate the new value information interactively while using the stored value information. Frost (5,041,972) teaches users generating new value information interactively while using the stored value information, see Column 4, lines 34 -50, for the benefit of selecting a set of attributes for market research which achieves the highest level of discrimination for each consumer interviewed.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Kurland ('232) to allow the users to generate new value information interactively while using the stored value information taught by Frost ('972) for the benefit of selecting a set of attributes for market research which achieves the highest level of discrimination for each consumer interviewed.

Claim 68 depends from claim 67, and is patentable for at least the same reasons as claim 67.

As per Claim 69. Kurland ('232) discloses all the limitations of Claim 67. Kurland ('232) further discloses digital filters configured to identify patterns of sources of value information and fetch the identified information over the network, see Column 5, line 20 -Column 6, line 41.

Claim 69 is patentable for at least the same reasons as claim 67.

Claims 48-66 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U. S. C. 112, second paragraph, set forth in this Office action.

Amendment has been made to Claim 48 to meet the §112(2) rejection made by the Examiner and to remove certain limitations. Claims 49-66 depend from claim 48.

Claims 70-71 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U. S. C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 67 has been amended. Claims 70-71 depend from claim 67.

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Serial No. : 09/369,391  
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**Claim 72 would be allowable if rewritten or amended to overcome the double patenting rejection(s) under 35 U. S. C. 101, set forth in this Office action.**

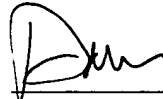
A terminal disclaimer is submitted herewith.

Applicant submits that all of the claims are now in condition for allowance, which action is requested. Filed herewith is a check in payment of the excess claims fees required by the above amendments and Petition for Automatic Extension with the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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